

1 Amended Complaint would be taken under submission on the papers and that the hearing,
2 previously scheduled for September 10, 2009, was vacated, (b) Opposition to the motion would be
3 due August 20, 2009 and (c) any Reply would be due August 27, 2009;

4 2. On August 26, 2009, at a Further Settlement Conference in this matter held before the
5 Honorable Joseph C. Spero, the parties reached an agreement in principal to settle the entire case;

6 3. The proposed settlement is currently being documented, a process that will likely take
7 a few weeks to complete;

8 4. Judge Spero has issued an order for a Further Settlement Conference set on October 1,
9 2009, if necessary, to ensure that the settlement documenting process proceed and are completed;

10 5. In light of the foregoing, and in the very unlikely event that the matter does not settle,
11 Plaintiffs and Defendant Haskell wish to continue the date for her Reply and, thus, for this Court
12 to thereafter take under submission Defendant Haskell's Motion to Dismiss the Second Amended
13 Complaint thereafter, to October 8, 2009.

14 **IT IS THEREFORE STIPULATED** that Defendant Nikki Haskell shall have up to and
15 including October 8, 2009 to file a Reply to Plaintiffs' Opposition to Defendant Haskell's Motion
16 to Dismiss Second Amended Complaint and that the Court will thereafter take the matter under
17 submission on the papers.

18 Dated: August 27, 2009 FARBER & COMPANY ATTORNEYS

19 By: /s/ Eric J. Farber
20 Eric J. Farber
21 Attorneys for Plaintiffs Grady Jackson and Kelley Alexander

22 Dated: August 27, 2009 PINNACLE LAW GROUP, LLP

23 By: /s/ Andrew A. August
24 Andrew A. August
25 Attorneys for Plaintiffs Grady Jackson and Kelley Alexander

26 Dated: August 27, 2009 /s/ David L. Gernsbacher
27 David L. Gernsbacher,
28 Attorney for Defendants Balanced Health Products, Inc.
 and Nikki Haskell

1 PURSUANT TO THE STIPULATION, IT IS SO ORDERED.
2 
3

4 United States District Judge
5

6 Dated: 9/1/09
7

8 **ATTESTATION OF CONCURRENCE IN FILING**
9

10 Pursuant to N.D. Cal. General Order No. 45, section 45 X(B), David L. Gernsbacher
11 hereby attests that concurrence in the filing of this stipulation and proposed order has been
12 obtained from counsel for the non-filing parties.
13

14 /s/ David L. Gernsbacher
15 David L. Gernsbacher,
16 Attorney for Defendants Balanced Health
17 Products, Inc. and Nikki Haskell
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I am over the age of 18 and not a party to the within action. My business address is 9107 Wilshire Blvd., Suite 450, Beverly Hills, CA 90210.

On August 27, 2009, I served the document described as **STIPULATION TO CONTINUE
REPLY AND SUBMISSION OF DEFENDANT NIKKI HASKELL'S MOTION TO
DISMISS SECOND AMENDED COMPLAINT; ORDER** through the Notice of Electronic
Filing ("ECF") for parties and counsel, all of whom are registered ECF Users:

7 Andrew A. August
aaugust@pinnaclelawgroup.com
8 PINNACLE LAW GROUP LLP
9 425 California Street, Suite 1800
San Francisco, California 94104
10 Attorneys for Plaintiffs Grady Jackson and
Kelly Alexander

Sidney K. Kanazawa
SKanazawa@mcguirewoods.com
MCGUIRE WOODS LLP
1800 Century Park East, 8th Floor
Los Angeles, CA 90067
Attorneys for General Nutrition Corporation
and General Nutrition Centers, Inc.

11 Eric J. Farber
12 Eric.Farber@farberandco.com
13 Farber & Company Attorneys
14 The Rotunda Building
15 300 Frank H. Ogawa Plaza, Suite 370
Oakland, California 94612
Attorneys for Plaintiffs Grady Jackson and
Kelly Alexander

Roger Myers
Roger.Myers@hro.com
HOLME, ROBERTS & OWEN LLP
560 Mission Street, 25th Floor
San Francisco, CA 94105
Attorneys for Vitamin Shoppe Industries,
Inc.

16 I declare under penalty of perjury under the laws of the United States of America, that the
17 foregoing is true and correct.

18 Executed on August 27, 2009, at Beverly Hills, California.

/s/ David L. Gernsbacher

David L. Gernsbacher